



## CITY OF ATLANTA

KASIM REED  
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308  
404-330-6145 – FAX: 404-658-7491  
[www.atlantaga.gov](http://www.atlantaga.gov)

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim *BNC*

**SUBJECT:** U-15-006 for 2730 Browns Mill Road, S.W.

**DATE:** May 7, 2015

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The applicant seeks a **Special Use Permit (16-06.005)** of the Zoning Ordinance of the City of Atlanta for Special Use Permit for a day care center.

#### FINDINGS OF FACT:

- Property location: This property is located at 2730 Browns Mill Road, S.W. fronting approximately 453.6 feet on the east side of Browns Mill Road at the southeast corner of Browns Mill Road and Cleveland Avenue. The site is located in land lot 61 of the 14th District, Fulton County, Georgia within the boundaries of NPU Z, Council District 12.
- Property size and physical features: The subject property fronts 453.6 feet on east side of Browns Mill Road at the southeast corner of Browns Mill Road and Cleveland Avenue, and is approximately 177,688sf approximately (4.08) acres. The topography varies throughout lot with trees, bushes, and landscaping. There is a parking area located on the northwest property line and on the east side yard setback. There are three points of ingress/egress, all located on Browns Mill Road.
- CDP land use map designation: Single-Family Residential (SFR).
- Current/past use of property: Subject property is currently being used as church and day care center. There is no indication of any other previous uses of the property.
- Surrounding zoning/land uses: The property is surrounded by R-4 Single Family Residential.

- **Transportation system:** The property has direct access to Browns Mill Road and Cleveland Avenue both of which are serviced by public transportation. More specifically, MARTA bus route 78 passes along Browns Mill Road and Interstate 85 is approximately 4.1 miles away.

## **PROPOSAL:**

The applicant seeks to amend Special Use Permit U-90-42, approved on March 7, 1991, that allowed Maranatha Seven Day Adventist Church to operate a day care and gymnasium. The applicant wishes to include a lot located north of the church building for the purpose of adding additional parking spaces. The site is currently a gravel lot that the church wishes to fully improve with pavement and striping.

- **Ingress and egress:** There are three curb-cuts on Brown Mills Road.
- **Parking and loading:** There is sufficient on-site parking for visitors and staff on the property. This will be an additional 121 parking space on the northwest property line if this application is approved.
- **Refuse and service areas:** The applicant uses a private waste management company to pick-up garbage bi-monthly.
- **Buffering and screening:** There are existing landscaped areas along the property lines which will remain.
- **Hours and manner of operation:** The site is currently being used as a church and daycare center. The church's office hours are 9:00a.m.-5:00p.m. Monday -Friday with service times on Saturday from 8:30a.m.-7:00 p.m. and Wednesday from 6:30 p.m.- 8:00 p.m. The day care hours of operation are 6:00 a.m.-6:00 p.m. Monday-Friday. Meals will be provided for children attending daycare.
- **Duration:** The applicant requests unlimited duration for the special use permit.
- **Required yards and open space:** The subject property is zoned R-4, a single family residential zoning district with requirements for setbacks but not open space. The property has been used as a church for a significant amount of time and it appears that there is an ample amount to open space to provide designated services.
- **Tree Preservation and replacement:** It appears that no trees will be impacted as the lot intended to be used as parking is an existing gravel lot.

## **CONCLUSIONS:**

- a) **Ingress and egress and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** Access to the property as shown on the site plan appears to be sufficient along Browns Mill Road there are three points of ingress and two points egress.

- b) **Parking and loading:** There is sufficient on-site parking for visitors and staff on the property. There will be an additional 121 parking space on the northwest property line should this application be approved.
- c) **Refuse and service areas:** The applicant will continue to use a private waste management company to pick-up garbage bi-monthly.
- d) **Buffering and screening:** There are existing landscaped areas along the property lines which will remain.
- e) **Hours and manner of operation:** The site is currently being used as a church and daycare center. The church's office hours are 9:00a.m.-5:00p.m. Monday -Friday with service times on Saturday from 8:30 a.m.-7:00 p.m. and Wednesday from 6:30 p.m. - 8:00 p.m. The day care hours of operation are 6:00 a.m.-6:00 p.m. Monday-Friday. Meals will be provided for children attending daycare. There are no proposed changes to either the church or daycare operations; this application amends the original special use permit for the purpose of allowing additional parking at the northwest corner of the lot.
- f) **Duration:** Staff is in support of an unlimited duration for the special use permit as a time limitation was not placed on U-90-42 and both the church and day care appear to be in compliance with the approved special use permit.
- g) **Compatibility with policies related to tree preservation:** No trees will be impacted as the proposed parking lot is currently a gravel parking area.
- h) **Required yards and open space:** The subject property is zoned R-4, a single family residential zoning district with requirements for setbacks but not open space. The property has been used as a church for a significant amount of time and it appears that there is an ample amount to open space to provide designated services.

**STAFF RECOMMENDATION: APPROVAL CONDITIONS ON THE FOLLOWING:**

1. Site Plan entitled, "South Atlantic Conference of Seventh Day Adventist, Inc.", prepared by W.L.B. Associates, INC, dated March 3, 2015. Stamped received by the Office of Planning on March 3, 2015.

cc: Charletta Wilson Jacks, Director, Office of Planning



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MAYOR

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim *BN*

**SUBJECT:** Z-15-007 for 1475 West Paces Ferry Road, N.W.

**DATE:** May 7, 2015

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The applicant seeks a rezoning of the property, from R-1 to PD-H, in view of a new development composed of 3 single-family detached houses for the property located at 1475 West Paces Ferry Road, N.W.

In order to allow the applicant for additional time to revise the proposed site plan, at the request of the applicant, Staff has recommended a 30 days deferral, before disposition on the rezoning request.

**STAFF RECOMMENDATION: 30 DAY DEFERRAL, JUNE 2015**



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**CHARLETTA WILSON JACKS**  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim 

**SUBJECT:** **Z-15-009 Text Amendment: SPI-18, Subarea 6 (Mechanicsville Neighborhood Special Public Interest 18, Subarea 6, Two-family) District**

**DATE:** May 7, 2015

An ordinance by Councilmember Cleta Winslow to amend the SPI-18 (Mechanicsville Neighborhood Special Public Interest) District regulations of the 1982 Atlanta Zoning Ordinance, so as to permit the establishment of clinics, laboratories, and similar uses to permitted non-residential principal uses in Subarea 6 (Two-family District) of SPI-18; and for other purposes.

The proposed text amendment was to allow for clinics, laboratories, and similar uses in Subarea 6 (Two-family District) of SPI-18 for the adaptive reuse of the existing building located at 581, 591, and 601 Pryor Street for a medical clinic/outpatient surgery facility. Staff recommends moving forward with the associated rezoning of the property, case Z-15-010, in lieu of the text amendment. Therefore, Staff recommends filing this proposed ordinance.

**STAFF RECOMMENDATION: FILE**

cc: Charletta Wilson Jacks, Director, Office of Planning



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Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim *BN*

**SUBJECT:** Z-15-10 for 581, 591, and 601 Pryor Street, S.W.

**DATE:** May 7, 2015

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An ordinance by Councilmember Clela Winslow to rezone from the SPI-18, Subarea 6 (Mechanicsville Neighborhood Special Public Interest 18, Subarea 6, Two-family) District to SPI-18, Subarea 1 (Mechanicsville Neighborhood Special Public Interest 18, Subarea 1, Mechanicsville Mixed-Use) District to allow for a medical clinic/outpatient surgery facility.

The personal paper originally introduced was to rezone the property from the RG-4 (Residential General-Sector 4) to the MRC-1 (Mixed Residential Commercial) district. Staff recommends a substitute ordinance that changes the zoning from SPI-18, Subarea 6 (Mechanicsville Neighborhood Special Public Interest 18, Subarea 6, Two-family) District which does not allow medical clinic/outpatient surgery facility as an allowed use to SPI-18, Subarea 1 (Mechanicsville Neighborhood Special Public Interest 18, Subarea 1, Mechanicsville Mixed-Use) District where the proposed use is allowed.

### **FINDINGS OF FACT:**

- **Property location:** The subject property is located on the west side of Pryor Street, beginning at the northwest corner of the intersection of Pryor Street and Glenn Street. It is located within Land Lot 76 of the 14<sup>th</sup> District of Fulton County, Georgia, in the Mechanicsville Neighborhood of NPU-V in Council District 4.
- **Property size and physical features:** The subject property consists of a 1.05 acre (45,760 square feet) rectangular shape parcel fronting 286 feet on Pryor Street and 160

feet on Glenn Street. The property is developed with a one-story building (3,922 square feet), a surface parking (40 spaces), and playground area. The building housed a YMCA recreational facility. The topography slopes upward in a westerly direction from the front property line approximately 3 feet where the building and surface parking are located; however, the vacant north section of the property is raised approximately 6 feet from the rest of the parcel. There are a number of mature trees around the perimeter of the property. The property is accessed by two driveways, one located on Pryor Road and one located on Glenn Street.

- **CDP land use map designation:** The Land Use Map for NPU-V designates the subject property as Medium Density Residential. A land use amendment to the CDP is required to allow for a designation appropriate for the proposed SPI-18, Subarea 1 district.
- **Current/past use of property:** The subject property is vacant. It was developed with the existing building in 1989. The building was occupied by the YMCA Butler Street Bill Lucas Branch.
- **Surrounding zoning/land use:** Properties to the north, west, and east are zoned SPI-18, Subarea 6 (Mechanicsville Neighborhood Special Public Interest 18, Subarea 6, Two-family) District with a land use designation of Medium Density Residential. To the north and west, they are occupied by residential uses with a mixture of single family homes and duplexes. Across the street, to the east, there is a church with associated surface parking. Properties to the south are zoned SPI-18, Subarea 1 (Mechanicsville Neighborhood Special Public Interest 18, Subarea 1, Mechanicsville Mixed-Use) District with a land use designation of Low-Density Commercial. These properties are occupied by office use and surface parking. Properties to the southwest are zoned SPI-18, Subarea 4 (Mechanicsville Neighborhood Special Public Interest 18, Subarea 4, Multifamily) District with a land use designation of Mixed-Use.
- **Transportation system:** Pryor Street is a south arterial street having a narrow sidewalk near the street. It is served by MARTA Bus Route 42 and 49. Glenn Street is a local street with sidewalks. A bus stop is at the front of the subject property.

## **PROPOSAL:**

The subject property would be rezoned to the SPI-18, Subarea 1 (Mechanicsville Neighborhood Special Public Interest 18, Subarea 1, Mechanicsville Mixed-Use) District to allow for the adaptive reuse of the existing 3,922 square feet building for a medical clinic/outpatient surgery facility. The building would be retrofitted to properly function as a medical facility. Moreover, the site would be improved with new landscaping and upgraded parking. The total floor area of the existing building would remain the same.

## **Project Specifications:**

Net Lot Area: 45,760 square feet (1.05 acres)

Total Floor Area existing:	3,922 square feet
Total Floor Area proposed:	same
Parking required:	13 spaces (1 space per 300 square feet)
Parking existing:	40 spaces

## **CONCLUSIONS:**

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:**  
The proposed rezoning for the subject property to SPI-18, Subarea 1 (Mechanicsville Neighborhood Special Public Interest 18, Subarea 1, Mechanicsville Mixed-Use) District is not compatible with the Comprehensive Development Plan Medium Density Residential designation for the property. Staff notes that an application has been submitted for an amendment to the 15-Year Land Use Map to allow for a designation consistent with the requested rezoning. Staff is not aware of any public projects/programs to conflict with the proposed timing of development.
- 2) **Availability of and effect on public facilities and services; referrals to other agencies:**  
The location of the site, existing building, and surrounding uses indicate there are public facilities and services available to the subject property. There has been no indication from review agencies and departments there would not be adequate public facilities and services at the subject location. At time of permitting the plans will be submitted to other agencies for permit review for compliance with applicable City codes.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** Although Staff finds that there might be other nearby sites available for the proposed use this location is reasonable in that the existing building is proposed to be reutilized. Further, Staff feels the proposed medical use would be a compliment to the area. Therefore, this proposed development is expected to only positively impact the balance of land uses in the surrounding area.
- 4) **Effect on character of the neighborhood:** The proposed rezoning for the purpose of adaptive reusing a former recreational building will allow for an improved and reasonable transition from mixed uses to residential uses. The new use would have a positive impact on the neighborhood's character by improving the conditions of the existing building that has been vacant for a number of years; therefore, improving the stability of the area.
- 5) **Suitability of proposed land use:** The proposed rezoning is not consistent with the current Comprehensive Development. A land use amendment to the CDP is required to allow for a designation appropriate for the proposed SPI-18 Subarea 1 zoning district. Staff is supportive of the proposed new use for the property and, subsequently, to the change of CDP land use designation.
- 6) **Effect on adjacent property:** Improvements of the property would have a positive effect on existing and future development of surrounding parcels. An improved medical office building would only complement the existing residential and non-residential uses in the area.



- 7) **Economic use of current zoning:** The existing building on the subject property is vacant. It cannot be used to its full capacity because it is in need of repairs. Therefore, under the present conditions the property economic use is diminished. Approval of the requested rezoning and the subsequent improvements to the property will likely increase its economic value.
- 8) **Compatibility with policies related to tree preservation:** At time of permitting, construction must comply with the City of Atlanta Tree Ordinance.

**STAFF RECOMMENDATION: APPROVAL OF A SUBSTITUTED ORDINANCE to SPI-18, Subarea 1 (Mechanicsville Neighborhood Special Public Interest 18, Subarea 1, Mechanicsville Mixed-Use) District**

cc: Charletta Wilson Jacks, Director, Office of Planning



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Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim *bnc*

**SUBJECT:** Z-14-75 for 4707, 4715, 4723, 4731, 4739, 4749, 4755, and 4765 Wieuca Road, N.W.

**DATE:** May 7, 2015 (Deferred February 12, 2015)

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An Ordinance to rezone from the **R-3 (Single Family Residential)** to the **MR-2 (Multifamily Residential)** District.

The applicant submitted a 90-day deferral request in order to acquire additional properties to include in the rezoning request and to meet with the neighborhood and NPU. Staff is supportive of this request.

**STAFF RECOMMENDATION: 90 DAY DEFERRAL, AUGUST 2015**

cc: Charletta Wilson Jacks, Director



April 22, 2015

**VIA EMAIL AND U.S. MAIL**

City of Atlanta Office of Planning  
Attn: Brandy Crawford and Jessica Lavandier  
55 Trinity Avenue Suite 3350  
Atlanta, GA 30303

Jessica L. Hill  
404-504-7754  
jhill@mmmlaw.com  
www.mmmlaw.com

Re: Z-14-75 – Wieuca Road

Dear Brandy and Jessica:

On behalf of the applicant in Z-14-75, I am requesting a 90 day deferral for the ZRB hearing from May 7, 2015 to an August ZRB hearing and a similar 90 day deferral for the CDP hearing from June to September. The applicant continues to pursue acquisition of all of the single family lots on the south side of Wieuca Road for rezoning and redevelopment and incorporation into the project. Progress has been made since the last deferral, however, this endeavor is time consuming. The applicant is requesting an additional 90 day deferral to continue assembling the properties on the south side of Wieuca Road and file an application to rezone the properties on the south side of Wieuca Road for one cohesive redevelopment.

Please let me know if you have any questions or concerns regarding this deferral request.

Regards,

Jessica L. Hill

cc: Racquel Jackson (via email)  
Frank Toye (via email)  
Andrea Bennett (via email)  
Bill Murray (via email)  
Jason Kendall (via email)  
Jay Clark (via email)  
Kim Robinson (via email)



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CHARLETTA WILSON JACKS  
Director, Office of Planning

KASIM REED  
MAYOR

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim *brl*

**SUBJECT:** Z-14-69 for 1734, 1742, 1748, 1754, 1762, 1770 Moores Mill Road, N.W.

**DATE:** May 7, 2015 (Deferred April 2<sup>nd</sup>, February 5<sup>th</sup> and January 15, 2015)

The applicant seeks a rezoning of the property, from R-4 to PD-H, in view of a new development composed of 12 single-family detached dwellings for the property located at 1734, 1742, 1748, 1754, 1762, 1770 Moores Mill Road, N.W.

#### **FINDINGS OF FACT:**

- **Property location.** The subject property (an assemblage of 6 separate parcels) is located in land lot 220 of the 17<sup>th</sup> land district, on the south side of Moores Mill Road, starting 395 feet east from the intersection with Warren Road. It is located in the Ridgewood Heights neighborhood and within NPU-C and Council District 9.
- **Property size and physical features.** According to the City of Atlanta lot boundary maps, the subject property consists of six tracts of land amounting to a total acreage of 4.04 acres and a total street frontage of approximate 485 ft on the north side of Moores Mill Road. Each of the six composing parcels is currently developed with an existing house. The property is encumbered in the rear by an existing stream which carries the 75' city undisturbed buffer. Also, in the rear of the site is contained within the 100 year flood plain. Existing topography presents a high elevation at the north-east corner of the site and from there gradually sloping down towards the stream. The property is heavily wooded almost throughout.
- **CDP land use map designation:** Future land use maps indicate a land use designation of Single-Family Residential.
- **Current/past use of property:** Historically, the six composing separate lots have been improved with one house per lot and known as 1734, 1742, 1748, 1754, 1762, 1770 Moores Mill Road NW.

- **Surrounding zoning/land use:** The subject property is zoned R-4. It is part of a large area zoned R-4 (Single-Family Residential). At the south-east, the property is adjacent to land zoned RG-2 consisting of a multi-family development and a small sports park.
- **Transportation system:** Moores Mill Road is categorized as a connector type street. There is no public transportation available on Moores Mill Road. However, there is MARTA bus routes 37 available on nearby Defoors Ferry Road at the south, bus route 60 at Bolton Road and interstate I-75 to the east.

### **PROPOSAL:**

This application seeks to create 12 single-family detached residential lots served by an interior private street/drive.

### **CONCLUSIONS:**

- **Compatibility with comprehensive development plan (CDP); timing of development:** The comprehensive development plan designates the subject property as SFR (Single - Family Residential) land use; therefore no amendment to the 15-year land use map will be required. At the site location, Staff is not aware of any public projects/programs to conflict with the proposed timing of development.
- **Availability of and affect of public facilities and services; referral to other agencies:** There has been no indication from reviewing agencies that there would not be adequate public utilities/services at the subject location. There is existing public sanitary sewer available at Moores Mill Road. The capacity of the sanitary sewer system will be determined by the Department of Watershed Management as well as any required improvements for the sewer connection. The site is located within the Custer sanitary sewer basin.
- **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** The zoning regulations indicate that this consideration is optional. The applicant has not presented any evidence that they own other land in the area that is suitable for this development. There is no negative impact on the balance of land uses.
- **Effect on character of the neighborhood:** Staff is of the opinion that the proposed rezoning would have a positive impact on the neighborhood, in general. Additionally, Staff considers this proposal as an improvement over the existing conditions. The existing lots are twice as deep as the lots located immediately across Moores Mill Road. Redeveloping the property under the PD-H zoning district regulations will enable the development of the same number of lots as otherwise allowed under the existing zoning, but in a configuration that is more sensitive to the site conditions, the stream buffer and its associated flood plain area.
- **Suitability of proposed land use:** A change in the 15-year land use map is not required. The site will be developed with the same type of residential housing, single-family detached, as the underlying zoning, while still less dense than what would be allowed by the existing RG-2 zoning district at the south-east.

- **Effect on adjacent property:** Staff finds that the proposed development would not adversely affect the adjacent properties.
- **Economic use of current zoning:** The subject property has some economic use under the existing conditions. The proposed development of 12 new houses would certainly represent an economic improvement. Also, the proposed PD-H zoning district would allow to better manage/preserve the sensitive areas around the stream (undisturbed stream buffers and flood plain).
- **Tree Preservation:** A certain number of existing trees will need to be removed to make room for the proposed houses. However, the design of the site would preserve a certain number of existing mature/specimen trees.

The following findings are in accordance with Section 16-19.005 (5) of the Zoning Ordinance of the City of Atlanta for Planned Development Districts:

a. **The suitability of the tract for the general type of PD zoning proposed.**

This application is a request for a rezoning to a PD-H district. Staff is of the opinion that the property is suitable for a PD-H zoning classification. The property presents certain existing particularities that Staff considers as hardship conditions: the existing stream in the rear of the property and its associated 75' undisturbed stream buffer and the 100 year flood plain.

The 100 year flood plain area takes up almost ¼ th of the entire site area.

b. **The relationship to major roads and mass transit facilities, utilities and other facilities and services.**

There is no public transportation available on Moores Mill Road. MARTA provides bus routes service on Defoors Ferry Road and Bolton Road. This site is located between several transportation corridors, Marietta Boulevard – arterial street to the south and I-75 to the east.

c. **The evidence of unified control.**

The revised site plan submitted by the applicant identifies several elements of unified control in the future development.

Access to the development will be provided through a shared two-way private street/drive which is proposed to be paved with permeable pavers. Also, the development provides for a 20' wide landscaped buffer along the property street frontage as well as along the two sides. This landscape buffer is proposed to be densely planted with a variety of tree species. In the rear of the property, the area within the 100 year flood plain will be set as a common area to be improved with mulch pedestrian trail and benches to overlook the natural stream. Lastly, there is a small open space also proposed to have benches.

All the common areas will be privately owned and maintained in common by the future residents and the legal details/maintenance program will be stipulated in certain private covenants.

d. **The suitability of proposed plans.**

The proposed revised site plans (stamped received by the Office of Planning on May 4, 2015) are considered to be suitable for a PD-H type of development.

e. **Specific modifications.**

Revised site plans have been submitted to the Office of Planning on May 4, 2015.

f. **The suitability of a maintenance program.**

The applicant has provided no information related to a maintenance program. Staff finds that the site plan identifies facilities and improvements proposed for common use. Staff will require that the development be governed by private covenants to provide for ownership/maintenance of the common areas.

**STAFF RECOMMENDATION: APPROVAL CONDITIONAL upon the following:**

1. Development is subject to the revised site plans titled "Ridgewood Heights, Zoning Site Plan – Sheet Z-1" and "Ridgewood Heights, Tree Replacement Plan – Sheet TPR 3" by Planners and Engineers Collaborative, dated May 4, 2015 and stamped received by the Office of Planning on May 4, 2015.
2. Developer shall obtain Final Plat or Final Plan approval from Office of Planning before making application for building permit for the housing units. As a condition of approval of the final plat/plan, the developer shall provide the Office of Planning with recorded private covenants. The document must contain details on the ownership and the maintenance program for the private street/drive and all other common areas. Developer shall provide additional design details for the area labeled on the Rezoning Site Plan as "open space". Developer shall provide additional design details for the common area located in the rear of lots 7 through 12 (just inside the boundary of the 100 year flood plain).
3. Developer shall submit for review and approval to the Office of Planning a landscaping plan for the 20' wide landscaping buffer.
4. Developer shall construct sidewalks of minimum 5 ft wide along the entire Moores Mill Road street frontage as well as along both sides on the internal street/drive.
5. Maximum height for each house shall be 35 ft or adhere to the requirements of code Sec. 16-19A.006(5).
6. No swimming pools shall be permitted within this development.
7. This development shall not be gated.
8. All work to be undertaken by the applicant within the City of Atlanta right-of-way shall be permitted by the Department of Public Works prior to construction.
9. Development of the property shall be subject to all City of Atlanta development regulations including but not limited to, Watershed Management Department, Fire Safety Engineer, Public Works Department as well as City of Atlanta Tree Ordinance.



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KASIM REED  
MAYOR

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim *BNC*

**SUBJECT:** Z-14-042 for 3537, 3541, 3545, 3549, 3555 Roxboro Road, N.E.

**DATE:** May 7, 2015

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The applicant seeks a rezoning of the property, from **R-3** to **MR-3**, in view of a new development composed of 14 single-family detached houses for the property located at **3537, 3541, 3545, 3549, 3555 Roxboro Road, N.E.**

In order to allow the applicant for additional time to revise the proposed site plan, at the request of the applicant, Staff has recommended a 30 days deferral, before disposition on the rezoning request.

**STAFF RECOMMENDATION: 30 DAY DEFERRAL, JUNE 2015**





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KASIM REED  
MAYOR

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim 

**SUBJECT:** Z-14-66 for 490 Bishop Street

**DATE:** May 7, 2015 (Deferred from February 12, 2015)

An Ordinance to rezone from the I-2 (Heavy Industrial) District to the MR-5A (Multi-family Residential) District, property located on a portion of 490 Bishop Street, N.W. and a portion of 1299 Northside Drive, N.W.

This application was deferred at the February 12, 2015 ZRB public hearing to June 2015 but was inadvertently placed on the May 7<sup>th</sup> agenda. Staff recommends a 30 day deferral to the requested June public hearing agenda.

**STAFF RECOMMENDATION:** 30 DAY DEFERRAL, JUNE 2015

cc: Charletta Wilson Jacks, Director, Office of Planning



## CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
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MAYOR

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### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim *me*

**SUBJECT:** U-15-04 for 1685 Memorial Drive, S.E. (aka 225 Clifton Street)

**DATE:** May 7, 2015 (Deferred from April 2, 2015)

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An to amend Ordinance 12-O-1603 (U-12-25) which granted a Special Use Permit for outdoor displays or sales area (i.e. outdoor private vending) pursuant to Section 16-11.005 (1)(c) for purposes of a change of conditions.

#### FINDINGS OF FACT:

- property location: The subject property fronts 200 feet along Memorial Drive, beginning at the southwest corner of Memorial Drive and Clifton Road. The property is within the Kirkwood neighborhood of NPU-0, in Council District 5.
- property size and physical features: The property is a large, square-shaped lot of approximately 38,000 square feet. The site is flat and level, and there is a gas station convenience store adjacent to the southwest rear of the lot, and gas pumps situated in front of the store, near the street
- current/past use of property: The property is currently operating as a gas station with convenience store
- surrounding zoning/land uses: The site is situated within a diverse area of industrial, multi-family residential, single-family residential, and commercially zoned property with accompanying land uses
- transportation system: The property has direct access to Memorial Drive and Clifton Road, which have regular Marta bus service. Interstate 20 may be accessed a short distance away from Maynard Terrace, which is about 128 feet away from the subject property.

**PROPOSAL:**

The applicant desires to maintain an existing outdoor sales area for clothing on a gas station property for an indefinite period of time. The applicant was previously approved for a special use permit in 2013 under U-12-025, but due to one of the approved conditions his permit was rendered void. This proposal would allow the continued use as is currently operated with an amendment to the language of one of the previous conditions.

- **Ingress and egress:** There are a total of two curb-cuts for the site; one is on Memorial Drive and one is on Clifton Road.
- **Parking and loading:** Employees and service personnel will utilize the existing curb-cuts from both of the fronting streets to access the lot. There are at least 10 parking spaces, which are at the gas pumps, but there are other areas on site which are available for parking for patrons that desire to use the convenience store or patronize the outdoor sales area; some are striped, and some are not. There is an area to the left side of the Memorial Drive entrance, which is used for loading and unloading of the merchandise.
- **Refuse and service areas:** There are existing dumpsters on site for the gas station which will be used by the applicant.
- **Buffering and screening:** There is no buffering or screening proposed for the proposed use. The property is immediately adjacent to another commercial lot, and screening does not appear to be necessary.
- **Hours and manner of operation:** The applicant proposes to sell clothes at the subject site typically from 8 am to 7:30pm, 7 days a week. The applicant will be the only employee at the site, and he will utilize two 12' x 14' tents to protect the merchandise from the elements.
- **Duration:** The special use permit is being sought for an indefinite period of time.
- **Required yards and open space:** The proposed use will not encroach into any of the required setbacks.
- **Tree Preservation and Replacement:** There are no trees proposed for removal.

## CONCLUSIONS:

a) **Ingress and egress and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** The existing ingress/egress to the property offers sufficient access for patrons and emergency vehicles.

b) **Off-street parking and loading:** The existing loading and parking spaces at the site intended for use by the gas station use are sufficient to also service the outdoor sales area.

c) **Refuse and service areas:** The existing refuse and service areas for the entire gas station should remain sufficient.

d) **Buffering and screening:** Staff feels that the outdoor sales area does not need additional buffering due to the existing adjacent commercial uses which are already compatible with such use.

e) **Hours and manner of operation:** The proposed hours and manner as expressed by the applicant will be from 8 am to 7:30pm, 7 days a week. They applicant has had a previously approved SAP for the same proposed use, and there have been no issues brought to Staffs attention that would raise concerns.

f) **Duration:** Staff does not recommend a limitation on the duration as the applicant has operated at the subject site for approximately seven (7) years and at another site, across the street, for approximately twelve (12) years.

g) **Compatibility with policies related to tree preservation:** There are no trees which will be impacted by this proposed use since there are no changes to the site proposed.

h) **Required yards and open space:** This proposed use would not encroach into any required setbacks or open space.

STAFF RECOMMENDATION: APPROVAL, conditioned on the following:

- 1) The Special Use Permit shall only be valid as long as Mr. Abdul El-Amin is the owner/operator of the outdoor sales displays.
- 2) The Special Use Permit for outdoor sales displays shall only be valid as the long as the current owner of the gas station is in possession of the site.
- 3) The Special Use Permit shall not be transferrable to another owner/operator.

cc: Charletta Wilson Jacks, Director, Office of Planning